

EXHIBIT A

Justin L. Swidler, Esq. (NJID: 039312007)
SWARTZ SWIDLER, LLC
1101 Kings Highway N., Ste. 402
Cherry Hill, NJ 08034
856-685-7420
jswidler@swartz-legal.com

MICHAEL RINGGOLD, *on behalf of himself
and those similarly situated*,
27 Kingsbridge Dr.
Burlington, NJ 08016

Plaintiff,

v.

AMAZON.COM.DEDC, LLC
50 New Canon Way
Robbinsville, NJ 08691

Defendant.

SUPERIOR COURT OF NEW JERSEY
MERCER COUNTY

CLASS ACTION

No:

COMPLAINT AND JURY TRIAL DEMAND

INDIVIDUAL AND CLASS ACTION COMPLAINT

Named Plaintiff Michael Ringgold (hereinafter referred to as “Named Plaintiff”), on behalf of himself and those similarly situated, by and through undersigned counsel, hereby complains as follows against Defendant Amazon.com.dedc, LLC (hereinafter referred to as “Defendant”).

INTRODUCTION

1. Named Plaintiff has initiated the instant action to redress Defendant’s violations of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J. Stat. 24:6I-31 (“CREAMMA”) and the New Jersey common law. As a result of Defendant’s unlawful actions, Named Plaintiff and those similarly situated have suffered damages.

PARTIES

2. The foregoing paragraphs are incorporated herein as if set forth in full.

3. Named Plaintiff is an adult individual with an address as set forth above.

4. Defendant is a company operating in New Jersey.

5. At all times relevant herein, Defendant acted by and through its agents, servants, and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendant.

CLASS ACTION ALLEGATIONS

6. The foregoing paragraphs are incorporated herein as if set forth in their entirety.

7. Pursuant to Rule 4:32 of the New Jersey Rules of Civil Procedure, Named Plaintiff brings his claims for relief to redress Defendant's violations of the CREAMMA and New Jersey public policy on behalf of himself and those similarly situated.

8. Specifically, Named Plaintiff seeks to represent a class of all persons who, since on or after February 22, 2021: (1) were denied employment by Defendant in the state of New Jersey because he or she tested positive for marijuana in a pre-employment drug screen; and/or (2) were subject to any other adverse employment action because he or she tested positive for marijuana (hereinafter members of this putative class are referred to as "Class Plaintiffs").

9. The class is so numerous that the joinder of all class members is impracticable. Named Plaintiff does not know the exact size of the class, as such information is in the exclusive control of Defendant; however, on information and belief, the number of potential class members is over 40 individuals.

10. Named Plaintiff's claims are typical of the claims of the Class Plaintiffs, because Named Plaintiff, like all Class Plaintiffs, was subject to an adverse employment action because he tested positive for marijuana, in violation of CREAMMA.

11. Named Plaintiff will fairly and adequately protect the interests of the Class Plaintiffs, because Named Plaintiff's interests are coincident with and not antagonistic to those of the class. Named Plaintiff has retained counsel with substantial experience in the prosecution of claims involving employee disputes.

12. No difficulties are likely to be encountered in the management of this class action that would preclude its maintenance as a class action. The class will be easily identifiable from Defendant's records.

13. A class action is superior to other available methods for the fair and efficient adjudication of this controversy. Such treatment will allow all similarly situated individuals to prosecute their common claims in a single forum simultaneously. Prosecution of separate actions by individual members of the putative class would create the risk of inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for Defendant. Furthermore, the amount at stake for individual putative class members may not be great enough to enable all the individual putative class members to maintain separate actions against Defendant. Additionally, Named Plaintiff seeks injunctive relief ordering Defendant to cease enforcement of its unlawful policy.

14. Questions of law and fact that are common to the members of the class predominate over questions that affect only individual members of the class. Among the questions of law and fact that are common to the class are: 1) whether Defendant's conduct in denying employment or taking any other adverse action because the individual tested positive for marijuana on a drug test violates CREAMMA; and 2) whether Defendant's conduct in denying employment or taking any other adverse action because the individual tested positive for marijuana on a drug test is unlawful as a violation of public policy.

FACTUAL BACKGROUND

15. The foregoing paragraphs are incorporated herein as if set forth in full.

16. Since February 22, 2021, and upon information and belief, continuing through the present, Defendant has enforced its Drug & Alcohol Policy (“Policy”) to all of its warehouse workers and applicants in the state of New Jersey.

17. Pursuant to Defendant’s Policy, Defendant will refuse to hire any applicant who tests positive for marijuana in the state of New Jersey and who does not provide a medical explanation for using marijuana.

18. Pursuant to Defendant’s Policy, any employee who tests positive for marijuana and who does not provide a medical explanation faces “disciplinary action based on the positive test result in accordance with Amazon’s Drug & Alcohol Policy, up to and including termination of employment.”

19. On or about March 27, 2021, Named Plaintiff applied for employment with Defendant to work in Defendant’s warehouse as an order picker / sorter.

20. Defendant extended Named Plaintiff an offer of employment, subject to him submitting to and passing a drug test.

21. On or about March 29, 2021, Named Plaintiff took the drug test.

22. On about April 2, 2021, Defendant emailed Named Plaintiff to inform him of the drug test results.

23. The email stated that the “test of the sample you recently submitted for testing has been verified by [Seth Portnoy, Total Compliance Network] as **positive for marijuana.**” (Emphasis and bracketing in original).

24. Defendant further informed Named Plaintiff that unless he provided a “legitimate medical explanation for your positive test result” he would be denied employment with Defendant.

25. On April 5, 2021, Defendant informed Named Plaintiff that his employment offer was rescinded because he tested positive for marijuana and did not provide a medical explanation for his test result.

26. As a result of Defendant’s Policy, Named Plaintiff and Class Plaintiffs, all of whom have faced adverse employment actions because they tested positive for marijuana, have been harmed.

27. As a result of Defendant’s aforesaid illegal actions, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

COUNT I
Violations of the New Jersey Cannabis Regulatory, Enforcement Assistance, and
Marketplace Modernization Act
(Named Plaintiff and Class Plaintiffs v. Defendant)

28. The foregoing paragraphs are incorporated herein as if set forth in full.

29. Pursuant to CREAMMA, “No employer shall refuse to hire or employ any person or shall discharge from employment or take any adverse action against any employee with respect to compensation, terms, conditions, or other privileges of employment because that person does or does not smoke, vape, aerosolize or otherwise use cannabis items, and an employee shall not be subject to any adverse action by an employer solely due to the presence of cannabinoid metabolites in the employee's bodily fluid ...” N.J. Stat. Ann. § 24:6I-52 (2021).

30. Defendant’s Policy which subjects applicants and employees to adverse employment actions for testing positive for marijuana violates CREAMMA.

31. As a result of Defendant's Policy, Defendant subjected Named Plaintiff and Class Plaintiffs to adverse actions solely due to testing positive for marijuana on a drug test.

32. Named Plaintiff and Class Plaintiffs have suffered harm as a result of Defendant's unlawful conduct.

33. As a result of Defendant's conduct, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

COUNT II
Failure to Hire/Wrongful Discharge
Pierce Claim (violation of public policy)
(Named Plaintiff and Class Plaintiffs v. Defendant)

34. The foregoing paragraphs are incorporated herein as if set forth in full.

35. Defendant's conduct in refusing to hire and/or terminating Named Plaintiff and Class Plaintiffs solely because they tested positive for marijuana violates a clear mandate of public policy of the state of New Jersey, as codified by CREAMMA. N.J. Stat. Ann. § 24:6I-52 (2021).

36. Defendant's Policy which subjects applicants and employees to adverse employment actions for testing positive for marijuana violates CREAMMA, and accordingly is unlawful as a violation of public policy.

37. Named Plaintiff and Class Plaintiffs have suffered harm as a result of Defendant's unlawful conduct.

38. As a result of Defendant's conduct, Named Plaintiff and Class Plaintiffs have suffered damages as set forth herein.

WHEREFORE, Named Plaintiff and Class Plaintiffs pray that this Court enter an Order providing that:

(1) Defendant is to be prohibited from continuing to maintain its illegal policy, practice or customs in violation of CREAMMA and New Jersey public policy;

(2) Defendant is to compensate, reimburse, and make Named Plaintiff and Class Plaintiffs whole for any and all pay they would have received had it not been for Defendant's illegal actions;

(3) Defendant is to immediately reinstate Named Plaintiff's and Class Members to employment;

(4) Defendant is to immediately rescind its Policy which imposes adverse employment actions on New Jersey employees solely for testing positive for marijuana on a drug test;

(5) Named Plaintiff and Class Plaintiffs are to be awarded back pay, front pay, punitive damages, and all other relief this Court deems just and proper.

(6) Named Plaintiff and Class Plaintiffs' claims are to receive a jury trial.

Respectfully Submitted,

/s/ Justin L. Swidler

Justin L. Swidler, Esq.

SWARTZ SWIDLER, LLC

1101 Kings Highway N., Ste. 402

Cherry Hill, NJ 08034

Phone: (856) 685-7420

Fax: (856) 685-7417

Date: May 19, 2021

DEMAND TO PRESERVE EVIDENCE

Defendant is hereby directed to preserve all physical and electronic information pertaining in any way to Named Plaintiff's and Class Plaintiffs' employment, to Named Plaintiff's and Class Plaintiffs' cause of action and/or prayers for relief, and to any defenses to same, including, but not limited to, electronic data storage, closed circuit TV footage, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages, any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, Twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

JURY DEMAND

Named Plaintiff hereby demands a trial by jury.

Respectfully Submitted,

/s/ Justin L. Swidler
Justin L. Swidler, Esq.

RULE 4:5-1 CERTIFICATION

I am licensed to practice law in New Jersey, and I am responsible for the above captioned matter. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

Respectfully Submitted,



/s/ Justin L. Swidler
Justin L. Swidler, Esq.

DESIGNATION OF TRIAL COUNSEL

Justin L. Swidler, Esquire, of the law firm of Swartz Swidler, LLC, is hereby designated trial counsel.

Respectfully Submitted,

/s/ Justin L. Swidler
Justin L. Swidler, Esq.

	<h2 style="margin: 0;">Civil Case Information Statement</h2> <h3 style="margin: 0;">(CIS)</h3> <p style="margin: 5px 0 0 40px;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule</i> 4:5-1 Pleading will be rejected for filing, under <i>Rule</i> 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed</p>		For Use by Clerk's Office Only	
			Payment type: <input type="checkbox"/> ck <input type="checkbox"/> cg <input type="checkbox"/> ca	
			Chg/Ck Number:	
			Amount:	
			Overpayment:	
		Batch Number:		
Attorney/Pro Se Name Justin L. Swidler, Esq.		Telephone Number (856) 685-7420		County of Venue Mercer ▼
Firm Name (if applicable) Swartz Swidler LLC		Docket Number (when available)		
Office Address 1101 Kings Hwy N Ste 402 Cherry Hill NJ 08034		Document Type Complaint		
		Jury Demand <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Name of Party (e.g., John Doe, Plaintiff) Michael Ringgold, on behalf of himself and all those similarly situated, Plaintiff		Caption Michael Ringgold, on behalf of himself and all those similarly situated v. Amazon.com.dedc, llc		
Case Type Number (See reverse side for listing) 509	Are sexual abuse claims alleged? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this a professional malpractice case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you have checked "Yes," see <i>N.J.S.A. 2A:53A-27</i> and applicable case law regarding your obligation to file an affidavit of merit.		
Related Cases Pending? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes," list docket numbers		
Do you anticipate adding any parties (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name of defendant's primary insurance company (if known) <input type="checkbox"/> None <input checked="" type="checkbox"/> Unknown		
The Information Provided on This Form Cannot be Introduced into Evidence.				
Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation				
Do parties have a current, past or recurrent relationship? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		If "Yes," is that relationship: <input checked="" type="checkbox"/> Employer/Employee <input type="checkbox"/> Friend/Neighbor <input type="checkbox"/> Other (explain) <input type="checkbox"/> Familial <input type="checkbox"/> Business		
Does the statute governing this case provide for payment of fees by the losing party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition				
 Do you or your client need any disability accommodations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, please identify the requested accommodation:		
Will an interpreter be needed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, for what language?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with <i>Rule</i> 1:38-7(b).				
Attorney Signature: /s/ Justin L. Swidler				

Side 2



Civil Case Information Statement (CIS)

Use for initial pleadings (not motions) under *Rule* 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days discovery

- | | |
|--|---|
| 151 Name Change | 506 PIP Coverage |
| 175 Forfeiture | 510 UM or UIM Claim (coverage issues only) |
| 302 Tenancy | 511 Action on Negotiable Instrument |
| 399 Real Property (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction) | 512 Lemon Law |
| 502 Book Account (debt collection matters only) | 801 Summary Action |
| 505 Other Insurance Claim (including declaratory judgment actions) | 802 Open Public Records Act (summary action) |
| | 999 Other (briefly describe nature of action) |

Track II - 300 days discovery

- | | |
|---|---|
| 305 Construction | 603Y Auto Negligence – Personal Injury (verbal threshold) |
| 509 Employment (other than Conscientious Employees Protection Act (CEPA) or Law Against Discrimination (LAD)) | 605 Personal Injury |
| 599 Contract/Commercial Transaction | 610 Auto Negligence – Property Damage |
| 603N Auto Negligence – Personal Injury (non-verbal threshold) | 621 UM or UIM Claim (includes bodily injury) |
| | 699 Tort – Other |

Track III - 450 days discovery

- | | |
|------------------------------|--|
| 005 Civil Rights | 608 Toxic Tort |
| 301 Condemnation | 609 Defamation |
| 602 Assault and Battery | 616 Whistleblower / Conscientious Employee Protection Act (CEPA) Cases |
| 604 Medical Malpractice | 617 Inverse Condemnation |
| 606 Product Liability | 618 Law Against Discrimination (LAD) Cases |
| 607 Professional Malpractice | |

Track IV - Active Case Management by Individual Judge / 450 days discovery

- | | |
|---|--|
| 156 Environmental/Environmental Coverage Litigation | 514 Insurance Fraud |
| 303 Mt. Laurel | 620 False Claims Act |
| 508 Complex Commercial | 701 Actions in Lieu of Prerogative Writs |
| 513 Complex Construction | |

Multicounty Litigation (Track IV)

- | | |
|---|---|
| 271 Accutane/Isotretinoin | 601 Asbestos |
| 274 Risperdal/Seroquel/Zyprexa | 623 Propecia |
| 281 Bristol-Myers Squibb Environmental | 624 Stryker LFIT CoCr V40 Femoral Heads |
| 282 Fosamax | 625 Firefighter Hearing Loss Litigation |
| 285 Stryker Trident Hip Implants | 626 Abilify |
| 286 Levaquin | 627 Physiomesh Flexible Composite Mesh |
| 289 Reglan | 628 Taxotere/Docetaxel |
| 291 Pelvic Mesh/Gynecare | 629 Zostavax |
| 292 Pelvic Mesh/Bard | 630 Proceed Mesh/Patch |
| 293 DePuy ASR Hip Implant Litigation | 631 Proton-Pump Inhibitors |
| 295 AlloDerm Regenerative Tissue Matrix | 632 HealthPlus Surgery Center |
| 296 Stryker Rejuvenate/ABG II Modular Hip Stem Components | 633 Prolene Hernia System Mesh |
| 297 Mirena Contraceptive Device | 634 Allergan Biocell Textured Breast Implants |
| 299 Olmesartan Medoxomil Medications/Benicar | |
| 300 Talc-Based Body Powders | |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☒ Putative Class Action ☐ Title 59 ☐ Consumer Fraud

SUMMONS

Attorney(s) Justin L. Swidler, Esq.

Office Address Swartz Swidler LLC

Town, State, Zip Code 1101 Kings Hwy N Ste 402
Cherry Hill NJ 08034

Telephone Number 856-685-7420

Attorney(s) for Plaintiff _____

Michael Ringgold, on behalf of himself

and all those similarly situated

Plaintiff(s)

vs.

Amazon.com.dedc, llc

Defendant(s)

Superior Court of New Jersey

Mercer ☐ County

LAW Division

Docket No: _____

CIVIL ACTION SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

Clerk of the Superior Court

DATED: 05/19/2021

Name of Defendant to Be Served: Anazon.com.dedc, llc

Address of Defendant to Be Served: 50 New Canon Way, Robbinsville, NJ 08691

Civil Case Information Statement

Case Details: MERCER | Civil Part Docket# L-001072-21

Case Caption: RINGGOLD MICHAEL VS

AMAZON.COM.DEDC, LLC

Case Initiation Date: 05/19/2021

Attorney Name: JUSTIN L SWIDLER

Firm Name: SWARTZ SWIDLER, LLC

Address: 1101 KINGS HIGHWAY NORTH STE 402

CHERRY HILL NJ 08034

Phone: 8566857420

Name of Party: PLAINTIFF : RINGGOLD, MICHAEL

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: EMPLOYMENT (OTHER THAN CEPA OR LAD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: MICHAEL RINGGOLD? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

05/19/2021

Dated

/s/ JUSTIN L SWIDLER

Signed